

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.16553 of 2019
and W.M.P.No.16191 of 2019

American International School Chennai,
(AISC)
100 Feet Road,
Taramani,
Chennai-600 113
Rep.by its Chief Business Officer,
Mr.Alankrit Arora. .. Petitioner

/versus/

The Chief Educational Officer,
Chennai District,
Government of Tamilnadu,
Chennai-600008. .. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent from in any manner taking any coercive action or issuing any order pursuant to the Notice bearing No.Na.Ka.No.2565/E1/2019 dated May Nil, 2019 without affording the petitioner an opportunity of hearing and providing the documents as sought for in the petitioner's representation dated May 31, 2019.

For petitioner : Mr.Edward James

For Respondent : Mr.C.Munusamy
Spl.Govt.Pleader

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O R D E R

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

2. The grievance of the petitioner is that the respondent herein issued a show cause notice to the petitioner's Management as to why the institute should not be closed for want of recognition and sought for explanation to be submitted within 15

days. In response to the show cause notice, the petitioner herein has sought for the following documents from the respondent to submit their explanation:

"1.G.O.(Ms) No.271, School Education (C2) Department, Dated 25.10.2012

2.Proceedings of the Director of Tamil Nadu School Education Department in R.C.No.005358/G1/E4/2018 dated 02.03.2018.

3.D.O.Letter of Chief Secretary of Tamil Nadu School Education Department in D.O.Letter No.7651/M.S/2018-1 dated 11.04.2018.

4.Proceedings of Director of Matriculation Schools and State Educational Coordinator, Implementation and continuous monitoring of Implementation of Right of Children to Free and compulsory Education Act 2009 in R.C.No.1799/C1/2018.

5.Proceedings of Director of Tamil Nadu School Education, Chennai-6 in R.C.No.073/G2/E2/2018 dated 13.04.2018."

3. After sending this request letter dated 31.05.2019 seeking the above documents, the petitioner has rushed to this Court by filing the writ petition on 12.06.2019.

4. The learned Special Government Pleader appearing for the respondent has filed counter, wherein, he has stated the reason why the petitioner institute should get recognition from the State as per the Right to Education Act and further contends that he has only issued a show cause notice to the petitioner to submit proposal for approval. Instead of submitting their proposal, they have come before this Court challenging the show cause notice. Due to the pendency of the writ petition, the respondent is not able to proceed further and at the same time the petitioner being an unrecognized School conducting the educational institute without recognition from the authorities and in contravention to RTE Act.

5. The learned Special Government Pleader for the respondent would also submit that they are ready to furnish the five documents sought by the petitioner and the petitioner shall be directed to cooperate with the enquiry, to take appropriate decision as expeditiously.

6. Considering the submissions made by the petitioner as well as the respondent, this Court is of the opinion that the petitioner ought to have responded to the show cause notice after getting the documents, which are all the proceedings of the Government Orders. Before the respondent respond to the request, the petitioner has approached the Court.

7. Now the respondent is ready to furnish the documents. Therefore, the petitioner can submit themselves for the enquiry and seek approval from the respondent in accordance with law. For the said purpose, this writ petition is disposed with the following direction:

(i) The respondent herein is directed to furnish the five documents sought by the petitioner herein within a period of 7 days from today.

(ii) On receipt of these documents, the petitioner herein shall submit their application/explanation within a period of 15 days from the date of receipt of documents.

(iii) On receipt of the application/explanation, the respondent shall take a decision in accordance with law and pass appropriate orders within a period of 30 days.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

rpl

To

The Chief Educational Officer,
Chennai District,
Government of Tamilnadu,
Chennai-600008.

+1cc to Mr.Edward James, Advocate SR.No.74713

+1cc to Government Pleader SR.No.75589

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KK(CO)
GMY(12/09/2019)

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